

Serial No. 09/629,320
Amdt. dated April 19, 2004
Reply to Office Action of December 17, 2003

Attorney Docket No. PF02024NA

REMARKS/ARGUMENTS

Claims 1, 3 through 10 and 12 through 30 remain in this application. Claims 1, 10, 12, 13 and 20 have been amended.

Claims 12 and 13 are objected to for depending from a canceled claim, namely claim 11.

Claims 12 and 13 are amended to depend from independent claim 10. Reconsideration and withdrawal of the objection to claims 12 and 13 are respectfully requested.

Claims 1, 5, 8, 9, 10, 14, 17 through 19, 20, 21, 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 98/17032 to Borgstahl, et al. ("Borgstahl, et al. publication") in view of U.S. Patent No. 6,212,548 to DeSimone, et al. ("DeSimone, et al. patent"). Claims 1, 3, 5, 6, 11, 12, 14, 16, 21, 23, 24 and 26 through 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Borgstahl, et al. publication in view of the DeSimone, et al. patent and U.S. Patent No. 6,381,465 to Chern et al. ("Chern, et al. patent"). Claims 4, 13 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Borgstahl, et al. publication in view of the DeSimone, et al. patent, the Chern, et al. patent and U.S. Patent No. 5,479,408 to Will ("Will patent"). Claims 3, 7, 12 15, 22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Borgstahl, et al. publication in view of the DeSimone, et al. patent, the Chern, et al. patent and the U.S. Patent No.5,412, 654 to Perkins ("Perkins patent").

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Claim 1 as amended provides, *inter alia*, a processor that identifies members within a certain proximity, and a user output device for outputting the information regarding the members identified to be within the certain proximity. Similarly, claims 10 and 20 provide, *inter alia*, similar language. Support for the above recitation is provided at page 4, lines 6 and 15, of the specification.

In contrast, none of the cited references above describe or suggest identifying members within a certain proximity and outputting the information regarding the members identified to be within the certain proximity, as required by amended claims 1, 10 and 20. Therefore, amended claims 1, 10 and 20 distinguish patentably from the Borgstahl, et al. publication, the DeSimone, et al. patent, the Chern, et al. patent, the Will patent, the Perkins patent, and any combination of these references.

Claims 2 through 9, 11 through 19, and 21 through 27 depend from and include all of the limitations of independent claims 1, 10 and 20 as amended. Therefore, claims 2 through 9, 11 through 19, and 21 through 27 distinguish patentably from the Borgstahl, et al. publication, the DeSimone, et al. patent, the Chern, et al. patent, the Will patent, the Perkins patent, and any combination of these references for the reasons stated above for amended claims 1, 10 and 20.

In view of the above, reconsideration and withdrawal of the rejections of claims 1, 3 through 10 and 12 through 30 are respectfully requested.

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CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

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Respectfully submitted,
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